

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 7, 2001

DIVISION ONE

B152000 Susan Jurcoane (Certified for Publication)
v.
Superior Court, Los Angeles County
(The People, r.p.i.)

We grant Susan's petition. We issue a writ directing the magistrate to vacate the earlier order overruling Susan's privilege claim, and issue a new order preventing her from being called as a witness in this case so long as she remains married to Josif and chooses to exercise the privilege.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B147086 Jorge Garcia Nieto (Not for Publication)
v.
Maria Lucina Ramos

We reverse the jurisdictional and custody orders of October 2, 2000, and November 7, 2000. The trial court is ordered to dismiss the OSC and return minor to mother's custody immediately. Mother is awarded her costs.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION ONE (Continued)

B143318 Cynthia Lyons (Not for Publication)
v.
City of Los Angeles

The judgment is affirmed. Each party to bear their own costs.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION TWO

B143622 Southern California Gas Company(Not for Publication)
v.
Luz Solar Partners, LTD. VIII, et al.

The judgment is reversed. Appellant(s) to recover costs.

Matz, J. (Assigned)

We concur: Nott, Acting P.J.
Todd, J.

DIVISION THREE

B146544 People (Not for Publication)
v.
Richardson

The judgment and the order striking the allegations that defendant suffered three prior convictions within the meaning of the Three Strikes law and section 667, subdivision (a)(1) are reversed.

Aldrich, J.

We concur: Croskey, Acting P.J.
Kitching, J.

DIVISION THREE (Continued)

B144127 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Brian T.

The order denying father's section 388 petition is affirmed. The order terminating parental right is reversed. The trial court is ordered to hold a hearing within 30 days in accordance with this opinion.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B142308 Campbell (Not for Publication)
v.
The Aerospace Corporation et al.

The judgment is affirmed. Aerospace is to recover costs on appeal.

Klein, P.J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION FOUR

B145344 People (Not for Publication)
v.
McKennie

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

DIVISION FOUR (Continued)

B145262 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Rodica M.

The order is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B146669 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Bruce M.

The order is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B148129 Soni (Not for Publication)
v.
Sheldon & Mak, P.C. et al.

The judgment (order confirming the arbitration award) is affirmed except for that portion dealing with the wage claims. That portion of the judgment is reversed and the matter is remanded to the trial court with directions to correct the arbitration award by deleting any findings regarding wage claims and for such further proceedings as are appropriate. The parties are to bear their own costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

November 7, 2001-Continued

DIVISION FOUR (Continued)

B121917 Lionel Simon (Not for Publication)
dba Liberty Paper Company
v.
San Paolo U.S. Holding Company, Inc.

The judgment is affirmed. Each party shall bear its own costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B143634 People (Not for Publication)
v.
Page

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Mosk, J. and Zaida G. Heraldez Deputy Clerk.

Each of the following:

B146636 People v. Randall Massey
B145489 People v. Victor Rojas
B149133 D.C.F.S. v. Anthony W.
B145773 Conservatorship of Rinkel
B152155 The People ex rel Allstate v. S.C.L.A (Weitzman)

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B144011 Steven L. Mazza
v.
Richard A. Dicorrado et al.

B144252 Steven L. Mazza
v.
Allstate Indemnity Company et al.

Merits:

Argued by Steven L. Mazza for appellant and by Michael S. Robinson and Gregory Michael MacGregor for respondents. Cause submitted.

Court recessed.

Court reconvened at 10:00 A.M.

Present: Turner, P.J., Grignon, J., Mosk, J. and J. Belcher, Deputy Clerk.

Each of the following:

B148756 People v. Holmes
B147956 People v. Ramos
B148358 People v. Frison
B152408 D.C.F.S. v. John T.

Argument waived, cause submitted.

B140664 Ben & Jerry's of California, Inc., et al.
v.
All Natural Ice Cream Corporation et al.

Merits:

Argued by Philip H.R. Nevinny for appellants. No appearance for respondent. Cause submitted.

DIVISION FIVE (Continued)

B148710 People
 v.
 Darryl Patton

Merits:

Argued by William I. Heyman for appellant and by Michelle J. Pirozzi, deputy attorney general, for respondent. Cause submitted.

Court recessed at 10:20 A.M.

Court reconvened at 11:00 A.M.

Present: Grignon, J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

Each of the following:

B146921 People v. Mendibles
B149451 People v. Carlos G.
B144216 People v. Jackson
B147505 Laraway v. Sutro & Co.

Argument waived, cause submitted.

B149321 People
 v.
 Brenda Carney

Merits:

Argued by Fred Klink, deputy district attorney, for appellant and by Alex Ricciardulli, county public defender, for respondent. Cause submitted.

Court recessed at 11:45 A.M.

Court reconvened at 1:00 P.M.

Present: Grignon, Acting P.J., Armstrong, J., Mosk, J. (Assigned) and J. Belcher, Deputy Clerk.

DIVISION FIVE (Continued)

B147505 Laraway v. Sutro & Co.

Argument waived, cause submitted.

B146736 Jamie Clancy et al.

v.

Dorothy Reams

Merits:

Argued by Thomas A. Hoffman for appellants and by Anthony J. Ellrod for respondent. Submission deferred until December 14, 2001.

B146237 Richard Annotico

v.

Marina City Club-Condominium Owner Association et al.

Merits:

Argued by Judith Bloom for appellant and by Thomas A. Ryan for respondents. Cause submitted.

B145572 Daniel Brake D'Avignon

v.

Val-Mot/Avenue P Associates

Merits:

Appearances by Lyle Middleton for appellant and by Robert Vedell for respondent. Both counsel waive argument and submit on the briefs. Cause submitted.

B138706 Bryan Buhtz

v.

Alpine Shutters, Inc., et al.

Merits:

Argued by Damon Lamot Hobdy for appellant and by David M. Cohen for respondents. Cause submitted.

DIVISION FIVE (Continued)

Court adjourned at 2:10 P.M.

B144923 People
 v.
 Allen Weatherspoon

Filed order denying petition for rehearing.

B143427 Arlene Vinnick (Certified for Publication)
 v.
 Delta Airlines, Inc.

The judgment is reversed. Appellant(s) to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Willhite, J. (Assigned)

B146183 People (Not for Publication)
 v.
 Anna Stickle

The judgment is modified to impose a state penalty assessment of \$50 pursuant to Penal Code section and a county penalty assessment of \$35 pursuant to Government Code section 7600. The judgment is affirmed in all other respects.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Willhite, J. (Assigned)

DIVISION SIX

B143133 Gamlowski
v.
Retirement Board of the
Santa Barbara County Employee's Retirement System

Filed order denying petition for rehearing.

B144839 People (Not for Publication)
v.
Van Buren

The judgment of conviction is affirmed. We reverse the portion of the judgment relating to Van Buren's admission of his prior conviction. The matter is remanded for determination of the truth of the prior conviction allegation and for resentencing. After resentencing, the trial court is directed to prepare a modified abstract of judgment and forward it to the Department of Corrections.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SEVEN

B152643 In re Morales on Habeas Corpus (Not for Publication)

The judgment and sentence are reversed. The case is remanded to the trial court to permit petitioner to withdraw his guilty plea, and for further proceedings consistent with his opinion.

Johnson, Acting P.J.

We concur: Woods, J.
Boland, J. (Assigned)